

**LAFFEY, BUCCI & KENT LLP**

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JOHN DOE (a fictitious name)	:	<b>SUPERIOR COURT OF NEW JERSEY</b>
C/O Laffey, Bucci & Kent	:	<b>LAW DIVISION</b>
371 Hoes Ln #200	:	<b>OCEAN COUNTY</b>
Piscataway, New Jersey 08854	:	
	:	
Plaintiff,	:	<b>DOCKET NO.:</b>
	:	
	:	<b>CIVIL ACTION</b>
	:	
v.	:	
	:	
ARCHDIOCESE OF PHILADELPHIA	:	<b>COMPLAINT AND JURY DEMAND</b>
222 N. 17th Street	:	
Philadelphia, Pennsylvania 19103	:	
	:	
and	:	
	:	
ABC CORPORATIONS, ONE	:	
THROUGH TEN	:	
(said Names Being Fictitious)	:	
	:	
and	:	
	:	
JOHN DOE, ONE	:	
THROUGH TEN	:	
(said Names Being Fictitious)	:	
	:	
Defendants.	:	

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**CIVIL ACTION COMPLAINT AND JURY DEMAND**

Plaintiff, John Doe, by and through his undersigned counsel, Laffey, Bucci & Kent, hereby  
 files this Complaint, and complains of the above captioned defendants as follows:

## **PARTIES AND VENUE**

1. Plaintiff John Doe is a resident of the Commonwealth of Pennsylvania. Because the claims involved in this Civil Action Complaint involve sexual abuse of John Doe at a time when he was a minor, his identity is being redacted from the instant complaint. John Doe can be served and otherwise reached through his counsel of record Laffey, Bucci & Kent, 371 Hoes Ln #200, Piscataway, New Jersey 08854.

2. At all times relevant hereto, upon information and belief, Defendant Archdiocese of Philadelphia ("Archdiocese") was and continues to be a Roman Catholic organization and a non-profit religious corporation authorized to conduct business, and conducting business, in the Commonwealth of Pennsylvania with its principal place of business located at 222 N. 17th Street, Philadelphia, Pennsylvania 19103.

3. In May 1972 Francis Trauger was ordained as a Priest in the Defendant Archdiocese. From June 1980 through September 1981 Trauger was assigned as an Assistant Pastor to St. Titus Parish in Norristown, Pennsylvania. Trauger remained in ministry until 2003. He was laicized in 2005. Trauger is believed to reside in the state of New York.

4. In May 1964 John P. Schmeer was ordained as a Priest in the Defendant Archdiocese. From September 1977 through September 1990 Schmeer was assigned to Bishop Kenrick High School in Norristown, Pennsylvania. During that time Schmeer resided at the rectory at St. Titus Parish in Norristown. Schmeer was formally assigned as Assistant Pastor to St. Titus from June 1982 through July 1982. In December 2004 Defendant Archdiocese permitted Schmeer to enter a "supervised life of prayer and penance" rather than laicize him. Schmeer is believed to live at Villa Saint Joseph, a retirement home for priests in Delaware County, Pennsylvania.

5. Upon information and belief, Trauger was a servant or agent of Defendant

Archdiocese from 1972 until 2005, working therein as an ordained priest, and acting within the scope of his aforementioned legal relationship with the Archdiocese. Accordingly, the Archdiocese is liable vicariously and derivatively for the acts of Trauger under theories of respondeat superior master-servant, agency, and/or right of control.

6. Upon information and belief, Schmeer was a servant or agent of Defendant Archdiocese from 1964 until the present, working therein as an ordained priest, and acting within the scope of his aforementioned legal relationship with the Archdiocese. Accordingly, the Archdiocese is liable vicariously and derivatively for the acts of Schmeer under theories of respondeat superior master-servant, agency, and/or right of control.

7. At all times relevant hereto, the Archdiocese was acting by and through its employees, servants, and agents, in the operation of St. Titus Parish, Bishop Kenrick High School, and the Archdiocese of Philadelphia and the hiring, admitting, assigning, retaining, and supervising of seminarians, deacons, and priests. Accordingly, the Archdiocese is liable vicariously and derivatively for the negligent acts and omissions of these employees, servants, and agents while engaged in the operation of St. Titus Parish, Bishop Kenrick High School, and the Archdiocese of Philadelphia and the hiring, admitting, assigning, retaining, and supervising of seminarians, deacons, and priests, including Trauger and Schmeer, under theories of respondeat superior, master-servant, agency, and/or right of control.

8. Defendants named in the above caption as John Doe, One through Ten [said names being fictitious, and hereinafter referred to as “John Doe”], were, at all relevant times, employees and/or agents of the Defendant Archdiocese involved in the operation of St. Titus Parish, Bishop Kenrick High School, and the Archdiocese of Philadelphia and the hiring, admitting, assigning, retaining, and supervising of seminarians, deacons, and priests, including Trauger and Schmeer.

The identification of these individuals is not known by the plaintiff at this time in the absence of discovery. Plaintiff reserves the right to substitute the name(s) for those agents designated as John Doe when and if such information becomes available.

9. Defendants ABC Corporations, One through Ten [said names being fictitious, and hereinafter referred to as “ABC”] are incorporated associations, corporations, or other jural entities that employed the defendants at all relevant times. These corporations or other jural entities are vicariously and derivatively liable for the negligent conduct of the aforementioned defendants under the theories of respondeat superior, master-servant, agency, and/or right of control.

10. At all relevant times, all defendants in this action were acting by and through themselves in their individual capacities, and/or additionally by and through their actual and/or ostensible agents, servants, employees, which included entities and/or individuals over whom they had control or right of control.

11. Venue is properly laid in the Superior Court of Ocean County, New Jersey pursuant to R. 4:3-2(a) and (b).

### **FACTS GIVING RISE TO THE ACTION**

12. At the time of Schmeer’s ordination in the Archdiocese, Schmeer had pedophilic tendencies and posed a risk to the safety of children.

13. At the time of Trauger’s ordination in the Archdiocese, Trauger had pedophilic tendencies and posed a risk to the safety of children.

14. Defendant Archdiocese knew or should have known before 1964 that the priesthood and the seminary attracted men with pedophile tendencies and who posed a risk to the safety of children. With such knowledge, Defendant Archdiocese should have implemented reasonable screening of applicants to the seminary and priesthood to determine if they posed a safety risk to

children.

15. At the time of Schmeer's application and admission to the Seminary and admission as a Priest in the Defendant Archdiocese, Defendant Archdiocese knew or should have known to exercise reasonable care and screening that Schmeer had pedophile tendencies and posed a risk to the safety of children.

16. At the time of Trauger's application and admission to the Seminary and admission as a Priest in the Defendant Archdiocese, Defendant Archdiocese knew or should have known to exercise reasonable care and screening that Trauger had pedophile tendencies and posed a risk to the safety of children.

17. John Doe was born on June 26, 1969.

18. John Doe and his family were devout parishioners of St. Titus Parish in East Norriton, PA for John Doe's entire life. John Doe attended St. Titus grade school and was an altar boy for the parish. John Doe's mother attended daily mass at St. Titus. John Doe often served as an altar boy during daily mass, including during masses over which Trauger or Schmeer would preside. John Doe had frequent contact with both Trauger and Schmeer through St. Titus parish. Schmeer would also visit with John Doe's family at their home. John Doe also worked in the St. Titus rectory answering phones.

19. In late 1980 or early 1981 Trauger took John Doe to St. Charles Borromeo Seminary in Wynnewood, Montgomery County, Pennsylvania to play basketball. After playing basketball Trauger suggested that John Doe shower. Trauger joined John Doe in the shower. Trauger rubbed John Doe's body with soap and eventually began fondling John Doe's penis. Trauger attempted to force John Doe to touch Trauger's penis but John Doe resisted. Despite this resistance Trauger was able to force John Doe to rub soap on Trauger's penis. Trauger rubbed his

penis against John Doe's back and buttocks. John Doe was confused and nauseated by the incident and did not understand if what Trauger was doing was normal conduct for a priest.

20. Trauger also took John Doe on a trip to the Poconos to go skiing. This trip occurred in approximately March 1981 and was after Trauger abused John Doe at St. Charles Seminary. Instead, Trauger took John Doe to a motel. Trauger insisted that they sleep in a bed together, despite there being two beds in the room, and that they sleep naked because the room was hot. John Doe followed Trauger's instructions but pretended to be asleep once he entered the bed. John Doe could feel Trauger fondling his penis for hours. Trauger rubbed his penis against John Doe's back and buttocks throughout the night. John Doe is unsure if Trauger penetrated him. John Doe next remembers sunlight filling the room and waking up with Trauger's hand still on John Doe's penis.

21. The abuse by Trauger of John Doe was reported by the pastor of St. Titus to Monsignor Francis J. Statkus, Chancellor of the Archdiocese. Trauger was also reported to have abused another young boy in the parish. Four days after the first documented report of Trauger's abuse to Defendant Archdiocese, Trauger admitted to an assistant of Msgr. Statkus, Father Donald Walker, that he had abused both John Doe and the other boy. Two days later Trauger was transferred from St. Titus to another parish with a school. Ultimately, the Archdiocese would learn that Trauger abused multiple young boys during his tenure as a priest. Trauger was quietly transferred by the Archdiocese from multiple parishes as a result of his repeatedly abusing children. He was often transferred from one parish where he had unfettered access to young victims to another parish where he had unfettered access to young children. In September 2019, Trauger was arrested by law enforcement in Bucks County, Pennsylvania for sexually abusing two boys while he was stationed at St. Michael the Archangel in Tullytown between 1993 and 2003.

22. Shortly after the abuse by Trauger, John Doe was asked by his father about whether he had been abused by Trauger. Although John Doe denied being abused to his father, he was sent to Father Schmeer to discuss the abuse. John Doe was twelve (12) years old.

23. Schmeer had already ingratiated himself to John Doe's family and frequently visited John Doe and his family at their home.

24. Schmeer invited John Doe to his bedroom in the rectory to discuss the abuse by Trauger. Schmeer immediately started asking John Doe questions about the abuse including whether or not John Doe ejaculated during the abuse. Schmeer would begin regularly speaking to John Doe about the abuse. These conversations would soon turn to inappropriate topics not related to the abuse.

25. Schmeer frequently invited John Doe into his bedroom to speak with him. Schmeer repeatedly asked John Doe questions about masturbation including whether or not John Doe masturbated. Schmeer would explain to John Doe how to masturbate and would share with John Doe how he masturbated. During these conversations Schmeer would place his hand on John Doe's leg and thigh. John Doe could observe that Schmeer was aroused.

26. Schmeer would also encounter John Doe in the church at St. Titus when John Doe was preparing to serve as an altar boy for mass. Schmeer would place his hand on John Doe's leg and thigh as John Doe dressed for mass. Schmeer would also rub up against John Doe. This conduct continued throughout high school. Schmeer would also take John Doe to St. Charles Seminary where they would visit the pool together.

27. John Doe, who had recently been sexually abused by Trauger and was sent to Schmeer to discuss that abuse, was confused, scared, and disgusted. His feelings were only exacerbated by the fact that Schmeer was so close with his family, especially his parents.

28. Eventually, in approximately 1982 or 1983, Schmeer took John Doe to a home located in the Mystic Island section of Little Egg Harbor Township in Ocean County, New Jersey. Upon information and belief the address of this residence is 29 West Hudson Drive, Little Egg Harbor Township, Ocean County, New Jersey.

29. Schmeer brought John Doe to this property in the state of New Jersey for the purposes of sexually abusing him. The two arrived at the residence late in the afternoon. During the course of the afternoon/evening Schmeer made John Doe dinner and the two of them watched television. Eventually John Doe retired to one of the two bedrooms at the home so as to go to sleep for the night. When John Doe was in his bed, he observed Schmeer exit the bathroom across the hall. He could see that Schmeer was not wearing any clothing. Schmeer stood in the doorway of the bedroom, completely naked, staring at John Doe. Schmeer then proceeded to enter John Doe's bedroom. As this occurred John Doe was paralyzed with fear and recalled this was strikingly similar to the way he had been abused by Trauger. John Doe closed his eyes and pretended to be asleep. Schmeer entered John Doe's bed and John Doe could feel Schmeer make contact with his body. John Doe could feel the front of Schmeer's body, including his penis, pushing up directly against the back of John Doe's body. John Doe continued to tightly close his eyes so that Schmeer would believe he was asleep. John Doe next recalls waking up the following morning and feeling nauseous. Schmeer took John Doe fishing and did not discuss the incident from that night. Schmeer returned to the Philadelphia area with John Doe later that day.

30. Schmeer eventually took John Doe to the same property again. Schmeer brought John Doe to this property within the state of New Jersey to sexually abuse him again. During this second visit, Schmeer was sitting with John Doe on the couch in the residence. John Doe recalls the two were watching television and Schmeer brought John Doe a glass of wine. Schmeer



repeatedly encouraged John Doe to consume the alcohol. John Doe had never consumed white wine and did not like the taste but consumed it at Schmeer's direction. John Doe was wearing mesh athletic shorts and Schmeer was wearing sweatpants.

31. While the two were sitting on the couch and Schmeer was encouraging John Doe to consume alcohol, Schmeer reached over and began touching John Doe's penis over his shorts. Schmeer began rubbing, manipulating, and fondling John Doe's penis. John Doe was frozen with fear. As a result of Schmeer fondling John Doe, John Doe became erect. He could observe that Schmeer was aroused. Schmeer also took John Doe's hand and placed it on Schmeer's leg and thigh. Schmeer fondled John Doe in this fashion for approximately one hour. Schmeer never discussed either incident of sexual abuse that occurred within the state of New Jersey with John Doe.

32. Schmeer was known to have engaged in sexual misconduct by the Archdiocese from as early as 1976. Schmeer has been repeatedly accused of sexually abusing young boys by using his positions with the Archdiocese over the course of his tenure as a priest in active ministry. The Archdiocese repeatedly concealed its knowledge of credible accusations of sexual abuse against Schmeer and instead of removing him from ministry, engaged in a pattern of investigating Schmeer's accusers in attempts to discredit them both privately and, when necessary to protect the Archdiocese, publicly.

33. As a direct and proximate result of the sexual abuse by Schmeer, Plaintiff suffered physical and emotional injuries, as more fully set forth in this Complaint. As a result of the abuse by Schmeer and Trauger, John Doe was severely mentally, psychologically, and emotionally damaged. John Doe sustained severe psychological and emotional distress, including symptoms of post-traumatic stress disorder, manifested by physical ailments and complaints, including, but

not limited to, sleeplessness, flashbacks, and loss of appetite. John Doe repeatedly thought about suicide and lived in fear of Schmeer given his position in the church, community, and John Doe's own family. The harm done to John Doe was made worse by the fact that John Doe was exposed to Schmeer and the abuse as a result of being abused by Trauger.

34. John Doe has suffered and continues to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life, and has suffered and continues to suffer spiritually. The significant emotional and psychological injuries sustained by Plaintiff dramatically transformed his personality.

35. Throughout his life since the abuse, John Doe has struggled with anger and rage problems, decreased frustration tolerance, inability to maintain healthy relationships, and symptoms of post-traumatic stress disorder. As a result of these problems John Doe has suffered extreme difficulty in interpersonal relationships, among other problems. John Doe has also suffered as a result of feeling the need to keep the abuse by Schmeer a secret given the way he believes his parents were involved in recommending to John Doe that he seek Schmeer's counsel.

36. Defendant Archdiocese through its agents knew or should have known in the exercise of reasonable care and supervision that Schmeer was engaging in the abuse of John Doe described above and intervened to either prevent the abuse, prevent his access to children, or terminate him from the ministry.

37. All of the above physical, psychological, and emotional injuries were proximately caused by the negligence, carelessness, recklessness, and other tortious and outrageous conduct of Defendant Archdiocese as set forth in this Complaint. John Doe's injuries were caused solely by the negligence of Defendant Archdiocese, as set forth more fully herein, and were not caused or

contributed thereto by any negligence on the part of John Doe.

**Defendants Violated the Duties Imposed Upon Them by Law**

38. At all times relevant hereto, Defendant Archdiocese operated multiple parishes and schools in Philadelphia County, Pennsylvania and its surrounding counties.

39. The parishes and schools included elementary schools, with a student population of pre-teen children. Students in these schools and parishes, including John Doe, had interactions with clergy, and were taught to respect and listen to the clergy and follow and obey their commands.

40. The Archdiocese owed a duty to the children left in its custody and control, including John Doe herein, to provide a reasonably safe environment for them, to ensure their safety, and to provide reasonably necessary supervision and oversight for their safety and welfare.

41. The Archdiocese occupied a special relationship to the children left in its custody and control, including Plaintiff herein, and owed to them the highest duty of care to ensure their safety and well-being.

42. The Archdiocese occupied a position of *in loco parentis*, and were under a duty to protect John Doe, and to provide him with safety and supervision akin to that which would have been provided by his own parents.

43. As set forth in this Complaint, the Archdiocese failed to fulfill its legal duty to provide a reasonably safe environment for the children left in its custody, care, and/or control.

44. The Archdiocese had a duty to take reasonable steps to ensure that priests in their parishes were psychologically fit to supervise, instruct, and mentor the children in the parishes.

45. As set forth in this Complaint, the Archdiocese failed to fulfill its legal duty to

ensure that priests in their parishes were psychologically fit to supervise, instruct, and mentor the children.

46. To the contrary, the Archdiocese assigned to positions within the clergy individuals who it knew, and/or had reason to know, were pedophiles, child molesters, sexual predators, and mentally-ill.

47. These assignments were neither infrequent nor unusual. As recognized by numerous criminal investigations by Grand Juries empaneled to uncover sexual abuse within the Catholic Church, it has been learned that priests serving in Archdioceses and Dioceses across the country have been accused of sexually abusing hundreds of adolescents and younger children, and that, with rare exceptions, the Archdioceses and Dioceses did not report these accusations to police or to other public authorities, including, but not limited to, allegations/suspensions pertaining to Schmeer and/or Trauger. The Defendant Archdiocese has in particular been the subject of multiple Grand Jury investigations that have revealed a particularly disturbing history of knowingly covering up childhood sexual abuse. Furthermore, numerous Catholic Archdioceses and Dioceses including Defendant Archdiocese, have released lists of clergy and lay employees who have been credibly accused of sexually abusing children. While there is no doubt that these lists represent an incomplete accounting of what each Archdiocese or Diocese knows about abusive clergy or lay employees amongst its ranks, they nonetheless represent an admission that the particular Archdiocese or Diocese knew or should have known about the epidemic of predator priests. Indeed in many instances the lists demonstrate that the Archdiocese not only knew about abuse but actively worked to cover it up. Both Schmeer and Trauger are present on such lists.

48. As a result of these and other criminal investigations into Catholic Archdioceses and Dioceses across the Commonwealth of Pennsylvania and the United States, it has also been

learned that predator priests transported children across state lines, including to the state of New Jersey, in order to abuse children. That predator priests would take children from Pennsylvania into other states, including New Jersey, in order to sexually abuse them, was well known to the Defendant Archdiocese and other Catholic Diocese.

49. The leaders of Defendant Archdiocese, regularly, routinely, and/or frequently assigned, re-assigned, or transferred priests who had been credibly accused of molesting children to new assignments where they retained access to, and control over, children.

50. As a result of Defendant's negligent, careless, reckless, and intentional acts and omissions, countless children, including John Doe, were sexually abused by depraved predators and molesters, who exploited their position in the clergy and dishonored the Catholic Church as they defiled innocent children.

51. As set forth in this Complaint, Defendant Archdiocese failed to take reasonable steps to ensure that priests at Archdiocesan churches were psychologically fit to supervise, instruct, and mentor students in the Archdiocese's schools. As a direct result of Defendant's tortious acts and omissions, John Doe suffered the injuries set forth in this Complaint.

52. In fact, Defendant knowingly permitted the Archdiocese to employ, retain, and assign priests who they knew, and/or had reason to know, were psychologically unfit to supervise, instruct and mentor children. As a direct result of Defendants' acts, Plaintiff suffered the injuries set forth in this Complaint.

53. The Archdiocese employed, retained, and assigned clergy who it knew or should have known were pedophiles, sexual predators, and/or mentally ill.

54. Defendant Archdiocese failed to take reasonable steps to ensure that teachers and clergy in Archdiocese schools and churches were psychologically fit to supervise, instruct, and

mentor students in those schools. These failures included the following:

- a. Failure to investigate the backgrounds of teachers and clergy in the employ or service of the Archdiocese;
- b. Failure to prohibit, restrict, or limit the activities of teachers and clergy suspected of sexual abuse and/or those known to be sexual predators and abusers;
- c. Failure to reasonably and properly investigate allegations of sexual molestation and/or child abuse;
- d. Failure to properly train and instruct investigators;
- e. Failure to have in place standards of acceptable and unacceptable conduct;
- f. Failure to formulate, effectuate, and enforce policies to prevent and/or minimize the risk of sexual abuse of children by agents, servants, and/or employees of the Archdiocese;
- g. Failure to designate competent investigators to evaluate complaints of sexual abuse;
- h. Failure to have in place standards for reporting acts of sexual misconduct to law enforcement authorities; and
- i. Failure to have in place standards for reporting acts of sexual misconduct to public officials, parents, and/or parishioners.

55. The Archdiocese employed, retained, and assigned priests and other clergy whose services frequently placed them into close contact with children outside the presence of other adults.

56. The Archdiocese had a duty to take reasonable steps to ensure that the priests and other clergy whose duties placed them in close proximity to children were psychologically fit to perform those duties without jeopardizing the safety of the children.

57. The Archdiocese had a duty to take reasonable steps to ensure that priests did not sexually abuse children and/or travel with children to locations outside the geographic territory of the Archdiocese in order to sexually abuse them.

58. The Archdiocese had a duty to take reasonable steps to supervise the mentoring and other interactions between its priests/teachers and the children left in their care and custody.

59. The Archdiocese failed to take reasonable steps to ensure that Schmeer was psychologically fit to mentor and/or interact with children in Archdiocese parishes even after they

knew and/or should have known of the dangers posed by Schmeer. As a direct result of the Defendant's acts, John Doe suffered the injuries set forth in this Complaint.

60. In fact, the Archdiocese employed, retained, and assigned priests who it knew and/or had reason to know were psychologically unfit to supervise, instruct, and mentor children, including, but not limited to, Schmeer.

61. The Archdiocese employed, retained, and assigned priests who it knew, or should have known, were pedophiles, sexual predators, and/or mentally ill, including, but not limited to, Schmeer.

62. Defendant's wrongdoing, however, did not stop there. The Archdiocese employed deliberate strategies to conceal known abuse by priests and other persons in the employ or service of the Archdiocese. These strategies included the following:

- a. Conducting sham investigations which were designed to avoid establishing culpability of priests accused of sexual abuse;
- b. Failing to interview witnesses or persons who possessed, or may have possessed, information which might tend to establish the guilt of an accused priest;
- c. Routinely transferring priests suspected of sexual abuse, child abuse, molestation, or pedophilia to other parishes;
- d. Deliberately and aggressively investigating claimants who leveled allegations against priests rather than investigating the priests themselves;
- e. Purposefully failing to inform parishioners of the acts of sexual misconduct and/or allegations of same, despite circumstances which gave rise to a duty to disclose such information;
- f. Knowingly harboring priests from other dioceses who were suspected and/or accused of sexual misconduct;
- g. Purposefully refusing to notify law enforcement officials when there existed reasonable grounds to believe that an Archdiocesan priest or teacher had engaged in improper sexual conduct with children;
- h. Purposefully destroying record evidence of misconduct by priests or other Archdiocesan personnel;
- i. Publicly promising not to assign priests who had been diagnosed as pedophiles or ephebophiles, but then ensuring that Church-affiliated treatment centers would not diagnose priests as such;
- j. Purposefully withholding incriminating information from therapists so as to make it more difficult for priests to be diagnosed as pedophiles or ephebophiles;

- and
- k. Creating “limited ministries” for priests diagnosed as pedophiles, but failing to enforce the limitations supposedly imposed on such priests.

63. The Archdiocese outrageously employed these strategies knowing that they exposed children, including John Doe, to a significant risk of serious physical and psychological harm, including a significant risk of sexual abuse. The Archdiocese actions were willful, malicious, wanton, outrageous, abhorrent, abominable, revolting, vile, and unconscionable because Defendant Archdiocese was motivated by a desire to protect the Church at the expense of children who would foreseeably be sexually abused and raped.

### **COUNT I - NEGLIGENCE**

**Plaintiff John Doe v. Defendant Archdiocese of Philadelphia, John Doe, One through Ten,  
and ABC Corporations, One through Ten**

64. The previous paragraphs are incorporated herein by reference.

65. The recklessness, negligence and/or carelessness of Defendants Archdiocese of Philadelphia, John Doe, One through Ten, and ABC Corporations, One through Ten, by and through their actual or apparent agents, servants, and/or employees, consisted of, among other things, the following:

- a. Recklessly, negligently and/or carelessly failing to observe and supervise the relationship between John Doe and Schmeer;
- b. Recklessly, negligently and/or carelessly failing to have policies and procedures to require supervision and observation of the relationship between John Doe and Schmeer;
- c. Recklessly, negligently and/or carelessly failing to recognize Schmeer’s conduct described herein as creating a risk of sexual abuse of children;
- d. Recklessly, negligently and/or carelessly failing to have policies and procedures to require supervision and observation of John Doe and Schmeer;
- e. Failing to investigate prior allegations against Schmeer that involved sexual misconduct;
- f. Recklessly, negligently and/or carelessly failing to identify Schmeer as a sexual abuser;
- g. Recklessly, negligently and/or carelessly failing to investigate behavior of Schmeer that put the Defendant on notice the Schmeer was a potential



- pedophile;
- h. Recklessly, negligently, and/or carelessly failing to identify Schmeer's prior sexual abuse of children;
- i. Recklessly, negligently and/or carelessly failing to investigate Schmeer being alone with John Doe;
- j. Recklessly, negligently and/or carelessly failing to investigate Schmeer taking John Doe to the state of New Jersey;
- k. Recklessly, negligently and/or carelessly failing to adequately check Schmeer's background, before ordaining him as a priest;
- l. Recklessly, negligently and/or carelessly failing to have policies and procedures in place to screen priests for the possibility of being sexual predators;
- m. Failure to use due care under the circumstances;
- n. Conducting sham investigations which were designed to avoid establishing culpability of priests accused of sexual abuse;
- o. Failing to interview witnesses or persons who may have possessed information which might tend to establish the guilt of an accused priest;
- p. Routinely transferring priests suspected of sexual abuse, child abuse, molestation or pedophilia to other parishes;
- q. Deliberately and aggressively investigating claimants who leveled allegations against priests rather than investigating the priests themselves;
- r. Purposefully failing to inform parishioners of the acts of sexual misconduct and/or allegations of same, despite circumstances which gave rise to a duty to disclose such information;
- s. Knowingly harboring priests from other dioceses who were suspected of sexual misconduct;
- t. Purposefully refusing to notify law enforcement officials when there existed reasonable grounds to believe that an Archdiocese priest or teacher had engaged in improper sexual conduct with children;
- u. Purposefully destroying record evidence of misconduct by priests or other Archdiocese personnel;
- v. Publicly promising not to assign priests who have been diagnosed as pedophiles or ephebophiles, but then ensuring that Church-affiliated treatment centers would not diagnose priests as such;
- w. Purposefully withholding incriminating information from therapists so as to make it more difficult for priests to be diagnosed as pedophiles or ephebophiles;
- x. Creating "limited ministries" for priests diagnosed as pedophiles, but failing to enforce the limitations supposedly imposed on such priests; and
- y. Negligence as may be proven from facts now exclusively in the possession of Defendants, which may be ascertained after the filing of this Complaint.

**WHEREFORE**, Plaintiff John Doe, demands judgment against Defendants Archdiocese of Philadelphia, John Doe, One through Ten, and ABC Corporations, One through Ten, in an amount in excess of the local arbitration rules, exclusive of prejudgment interest, costs and

damages for pre-judgment delay, and such other legal and equitable relief as the Court deems appropriate.

## **COUNT II - NEGLIGENT SUPERVISION**

**Plaintiff John Doe v. Defendants Archdiocese of Philadelphia, John Doe, One through Ten,  
and ABC Corporations, One through Ten**

66. The previous paragraphs are incorporated herein by reference.

67. Defendants Archdiocese of Philadelphia, John Doe, One through Ten, and ABC Corporations, One through Ten, knew or should have known of the need to supervise seminarians and priests in the their relationships with young children.

68. Defendants Archdiocese of Philadelphia, John Doe, One through Ten, and ABC Corporations, One through Ten, knew or should have known of the particular risk posed by Schmeer based on, among other things, his history of sexually abusing children, and his behavior indicative of an intent to isolate, groom, and facilitate sexually abusing young boys.

69. The negligence and recklessness of Defendants Archdiocese of Philadelphia, John Doe, One through Ten, and ABC Corporations, One through Ten, for the conduct of their actual or apparent agents, servants, and/or employees, in the supervision of Schmeer consists of one or more of the following:

- a. Failing to use due care in supervising Schmeer's relationship with John Doe; and,
- b. Failing to investigate and supervise the relationship between John Doe and Schmeer in light of the fact that Schmeer had been previously investigated for sexual misconduct; and
- c. Negligence as may be proven from facts now exclusively in the possession of Defendants, which may be ascertained after the filing of this Complaint.

**WHEREFORE**, Plaintiff John Doe, demands judgment against Defendants Archdiocese of Philadelphia, John Doe, One through Ten, and ABC Corporations, One through Ten, in an amount in excess of the local arbitration rules, exclusive of prejudgment interest, costs and

damages for pre-judgment delay, and such other legal and equitable relief as the Court deems appropriate.

**COUNT III - NEGLIGENT HIRING AND RETENTION**  
**Plaintiff Jane Doe v. Defendants Archdiocese of Philadelphia, John Doe, One through Ten,**  
**and ABC Corporations, One through Ten**

70. The previous paragraphs are incorporated herein by reference.

71. Defendants knew or should have known prior to the John Doe's abuse that John Doe and other young children in its church were vulnerable and potential victims of sexual abuse.

72. Defendants also knew or should have known that prior to John Doe's abuse that the access to vulnerable youths and the trust and authority placed in clergy makes the priesthood an enticing vocation to pedophiles and others seeking to abuse and exploit children.

73. Defendants owed a duty to exercise reasonable care in the selection and retention of seminarians and priests in the Defendant Archdiocese, and specifically a duty to be on high look out for possible pedophiles and others seeking to abuse and exploit children.

74. Defendants failed to exercise reasonable care in the selection of and retention of Schmeer as a seminarian and later an ordained priest, by among other things, the following:

- a. Failing to conduct a thorough background check of Schmeer;
- b. Failing to thoroughly and reasonably investigate Schmeer's sexual history;
- c. Failing to learn of or investigate Schmeer's history of sexual impropriety with young boys and his proclivity to sexual assault young boys;
- d. Failing to conduct a thorough interview with Schmeer;
- e. Failing to investigate whether Schmeer had any inappropriate sexual interest in young boys;
- f. Failing to use due care in the selection of Schmeer as a seminarian and ordained parish priest ministering and rendering clerical services, and interacting with children; and,
- g. Failing to use due care in the retention of Schmeer as a seminarian and ordained parish priest ministering and providing clerical service to young vulnerable children.

**WHEREFORE**, Plaintiff John Doe, demands judgment against Defendants Archdiocese

of Philadelphia, John Doe, One through Ten, and ABC Corporations, One through Ten, in an amount in excess of the local arbitration rules, exclusive of prejudgment interest, costs and damages for pre-judgment delay, and such other legal and equitable relief as the Court deems appropriate.

**LAFFEY, BUCCI & KENT, LLP**

BY:

A handwritten signature in black ink, appearing to read 'B. Kent', with a long horizontal line extending to the right.

---

BRIAN D. KENT  
M. STEWART RYAN  
Attorneys for Plaintiff, Jane Doe

DATED: December 2, 2019

**JURY DEMAND**

Plaintiff hereby demands a trial by jury as to all issues.

**DEMAND FOR COMPLIANCE WITH  
N.J. COURT RULES 1:5-1(a) AND 4:17-4(c)**

TAKE NOTICE that the undersigned attorney, counsel for Plaintiff, hereby demands, pursuant to the provisions of R.1:5-1(a) and 4:17-4(c), that each party serving pleadings or interrogatories and receiving responses thereto shall serve copies of all such pleadings, interrogatories, and responses thereto upon the undersigned, and further

TAKE NOTICE that this is a continuing demand.

**DESIGNATION OF TRIAL COUNSEL**

Brian D. Kent, Esquire is hereby designated trial counsel for Plaintiff, Jane Doe.

**DEMAND FOR DISCOVERY OF INSURANCE COVERAGE**

Pursuant to New Jersey Court Rule 4:10-2(b) demand is made that defendant(s) disclose to plaintiff's attorney whether or not there are any insurance agreements or policies under which any person or firm carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in this action or indemnify or reimburse for payments made to satisfy the judgment and provide plaintiffs' attorney with true copies of those insurance agreements or policies, including, but not limited to, any and all declaration sheets. This demand shall include and cover not only primary coverage, but also any and all excess, catastrophe and umbrella policies.

**DEMAND FOR ANSWERS TO INTERROGATORIES**

Demand is hereby made for fully responsive answers to Form C Interrogatories appearing in Appendix II to the Rules of Court.

**RULE 4:5-1 CERTIFICATION**

I, Brian D. Kent, of full age, do certify that I am the attorney for the plaintiff herein and that to my knowledge there are no other actions or arbitrations pending as a result of the incidents described in the foregoing Complaint.

**LAFFEY, BUCCI & KENT, LLP**

BY:

A handwritten signature in black ink, appearing to be "B. Kent", written over a horizontal line.

---

BRIAN D. KENT  
M. STEWART RYAN  
Attorneys for Plaintiff, Jane Doe

DATED: December 2, 2019

# Civil Case Information Statement

## Case Details: OCEAN | Civil Part Docket# L-002963-19

**Case Caption:** DOE JOHN VS ARCHDIOCESE OF PHILA  
DELPHIA

**Case Initiation Date:** 12/02/2019

**Attorney Name:** BRIAN DOOLEY KENT

**Firm Name:** LAFFEY BUCCI & KENT LLP

**Address:** 1435 WALNUT STREET 7TH FLOOR

PHILADELPHIA PA 19102

**Phone:** 2153999255

**Name of Party:** PLAINTIFF : Doe, John

**Name of Defendant's Primary Insurance Company**

(if known): Unknown

**Case Type:** PERSONAL INJURY

**Document Type:** Complaint with Jury Demand

**Jury Demand:** YES - 12 JURORS

**Is this a professional malpractice case?** NO

**Related cases pending:** NO

**If yes, list docket numbers:**

**Do you anticipate adding any parties (arising out of same transaction or occurrence)?** NO

## THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

**Do parties have a current, past, or recurrent relationship?** NO

**If yes, is that relationship:**

**Does the statute governing this case provide for payment of fees by the losing party?** NO

**Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:**

**Do you or your client need any disability accommodations?** NO

**If yes, please identify the requested accommodation:**

**Will an interpreter be needed?** NO

**If yes, for what language:**

**Please check off each applicable category: Putative Class Action?** NO

**Title 59?** NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule 1:38-7(b)*

12/02/2019

Dated

/s/ BRIAN DOOLEY KENT

Signed